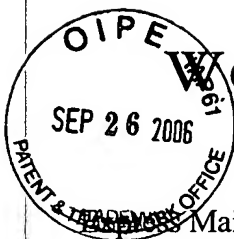


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PATENT APPLICATION  
 Docket No: 13914.880

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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
	)	
Dalebout, et al.	)	
	)	
Serial No.:	)	Art Unit
10/647,729	)	3764
	)	
Confirmation No.:	)	
8150	)	
	)	
Filed:	)	
August 25, 2003	)	
	)	
For:	)	
EXERCISE DEVICE WITH CENTRALLY	)	
MOUNTED RESISTANCE ROD AND	)	
AUTOMATIC WEIGHT	)	
SELECTOR APPARATUS	)	
	)	
Examiner:	)	
Fenn C. Matthew	)	

## TRANSMITTAL FOR SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop: AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.114 is a Supplemental Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

☒ Statement of relevance of selected cited references not in the English language which are not translated.

☐ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

☐ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

☒ Form PTO-1449 listing TEN (10) references submitted for consideration.

☒ Copies of EIGHT (8) of the references listed on the Form PTO-1449.

☐ English translations of \_\_\_ of \_\_\_ of the references listed on the Form PTO-1449 which are not in the English language.

☐ Copies of the following documents from the prosecution of a previous, related application:

☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT;

☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

I. ☐ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. ☒ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:

☐ Promptness Certification; or

☒ Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

☐ Promptness Certificate;

☐ Petition for Consideration; and

\_\_\_\_ Check No. in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. \_\_\_\_ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

\_\_\_\_ Petition to Withdraw from Issue; and

\_\_\_\_ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

\_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

\_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p).

\_\_\_\_ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 26 day of September, 2006.

Respectfully submitted,



David B. Dellenbach  
Attorney for Patentee  
Registration No. 39,166  
**Customer No. 022913**  
Telephone No. (801) 533-9800



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

Dalebout, et al.

Serial No.: 10/647,729

Confirmation No.: 8150

Filed: August 25, 2003

For: EXERCISE DEVICE WITH CENTRALLY MOUNTED  
RESISTANCE ROD AND AUTOMATIC WEIGHT  
SELECTOR APPARATUS

Examiner: Fenn C. Matthew

Art Unit  
3764

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Mail Stop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the required references or relevant portion thereof is also enclosed.

Statement of Relevance of References Listed  
Unaccompanied by English Translation  
Under 37 C.F.R. § 1.98(a)(3)

In accordance with 37 C.F.R. § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the english language and unaccompanied by a translation into English is provided:

**Canadiana "BIG 16." Advertisement for Canadiana, Big 16, Body-Building publication, February, 1962.** Steel Cable Home Gym Outfit with Barbell Attachments. Advertised as "World's Strongest Expanders."


Dated this 26 day of September, 2006.

Respectfully submitted,



David B. Dellenbach  
Attorney for Patentee  
Registration No. 39,166  
**Customer No. 022913**  
Telephone No. (801) 533-9800

DBD/rph  
RPH0000000018V001

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No.	
Applicant(s): Dalebout, et al.			13914.880	
Application No. 10/647,729	Filing Date 08/25/2003	Examiner Not yet assigned	Customer No. 022913	Group Art Unit 3764
Invention: <b>EXERCISE DEVICE WITH CENTRALLY MOUNTED RESISTANCE ROD AND AUTOMATIC WEIGHT SELECTOR APPARATUS</b>				
I hereby certify that the following correspondence: <div style="border: 1px solid black; height: 50px; margin-top: 10px;">(see below)</div> <p style="text-align: center;">(Identify type of correspondence)</p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p style="text-align: center;"><u>September 26, 2006</u> (Date)</p> <div style="text-align: right; margin-top: 20px;"><u>Chari Dickison</u> (Typed or Printed Name of Person Mailing Correspondence)  (Signature of Person Mailing Correspondence) <u>EV 56554691 US</u> (("Express Mail" Mailing Label Number)</div>				
Note: Each paper must have its own certificate of mailing.				
Submitted: Information Disclosure Statement Citation (2 pages) Information Disclosure Statement Transmittal (2 pages) Information Disclosure Statement (2 pages with 8 attachments) Credit Card Form PT-2038 in the amount of \$180.00 Certificate of Mailing by Express Mail (Label No. EV 565664691 US) Postcard				



Form PTO-1489

Sheet 1 of 2

Applicant: Deebout et al.

Serial No.: 10/647,729

Att'y Docket No.: 13914.880

Filing Date: August 25, 2003

Group: 3764

Confirmation No.: 8150

For: EXERCISE DEVICE WITH CENTRALLY MOUNTED RESISTANCE ROD AND  
AUTOMATIC WEIGHT SELECTOR APPARATUS

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INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A1.	5,005,832	4/9/1991	Van Der Hoeven	482	124	8/18/1989
_____ A2.	325,435	9/1/1885	North	186	22	4/24/1885

Other Documents

(including author, title, pertinent pages, etc.)

Examiner  
Initial\*

_____ A3.	Advertisement for Breitbart Muscle Building Apparatus, <i>Breitbart Pupils Say it with Muscles!</i> , May 4, 1929 (3 pages).
_____ A4.	Advertisement for Marcy Gymnasium Equipment Co., Physical Power publication, April, 1964 (1 page).
_____ A5.	Advertisement for Weider's <i>Giant Multiplex Builder</i> , Muscle Power publication, January, 1949 (1 page).
_____ A6.	Advertisement for Canadiana, <i>Big 16</i> , Body-Building publication, February, 1962 (1 page).
_____ A7.	Advertisement for <i>Broom's Advanced International Course</i> , SUPERMAN publication, December, 1938 (1 page).
_____ A8.	Advertisement for <i>Universal Twister</i> in <i>Athletik Sport Journal</i> (Holland), 1972 (1 page).

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Dalebout et al.

Serial No.: 10/647,729

Att'y Docket No.: 13914.880

Filing Date: August 25, 2003

Group: 3764

Confirmation No.: 8150

For: EXERCISE DEVICE WITH CENTRALLY MOUNTED RESISTANCE ROD AND  
AUTOMATIC WEIGHT SELECTOR APPARATUS

- 
- \_\_\_\_\_ A9. Inventor disclosure by Tessema Shifferaw relating to Ex-Stick I, available on information and belief at least as early as September 1982 (5 pages).
- \_\_\_\_\_ A10. Inventor disclosure by Tessema Shifferaw relating to Ex-Stick II, available on information and belief at an unknown date later than September 1982 (1 page).

### References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

RPH0000000016V001

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.